

Department of Capital Program Management
1350 Avenue of the Americas
New York, NY 10019

November 17, 1995

William Canton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, DC 20554

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Re: Comments PR Docket No. 92-235
Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and
Modify the Policies Governing Them & Examination of Exclusivity and Frequency
Assignment Policies of the Private Land Mobile Radio Services.

Mr. Canton:

Enclosed are comments on behalf of the New York City Transit Authority. I may be reached at
(212) 492-8147 if there are any questions.

Sincerely,



Samuel E. Baum, P.E.
Division Engineer
Communications Engineering

enclosure

cc: Meyer Stender, P.E., Chief Electrical Engineer

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**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

IN THE MATTER OF

Replacement of Part 90 by Part 88)
to Revise the Private Land Mobile)
Radio Services and Modify the)
Policies Governing Them)

PR Docket No. 92-235

and)

Examination of Exclusivity and)
Frequency Assignment Policies of)
the Private Land Mobile Radio)
Services.)

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To: The Commission

COMMENTS OF THE NEW YORK CITY TRANSIT AUTHORITY

The Commission seeks comments in the Further Notice of Proposed Rule Making (FNPRM) in PR Docket No. 92-235 on methods to encourage efficient spectrum usage. The Commission proposed three options to introduce spectrum efficiency and requested comments on exclusivity, user fees, and competitive bidding. The New York City Transit Authority (NYCTA) is presenting its views on the subject matter as a local governmental, public safety and transportation organization. NYCTA operates the nation's largest and most complex transportation system which operates 24 hours per day, every day, and carries more than 5 million customers on an average business day. NYCTA operates in excess of 3,000 buses and more than 5,800 rapid transit cars to serve the people of the New York metropolitan area.

EXCLUSIVITY

NYCTA agrees that spectrum exclusivity is essential to promote efficient technology (such as trunking) and to avoid potential co-channel frequency conflicts. The Commission's proposal to allow exclusivity to a licensee who agrees to convert to narrowband technologies is a sound concept; however, placing a 5 year limit on such a conversion may not be feasible for many governmental entities. Typically, these entities are subject to encumbering funds, competitive bidding processes, large scale system design, and complex funding issues which can affect the speed at which the project can be brought to fruition. NYCTA proposes that exclusivity should be afforded to existing licensees on their current 25 KHz frequencies provided a detailed plan for achieving future spectrum efficiencies is provided to and approved by the Commission. Significant deviations from the plan could also require Commission approval. In addition, adjacent channels require a similar exclusivity to insure interference free communications.

USER FEES

NYCTA understands the underlying rationale for proposing a direct economic incentive to implement spectrum efficient equipment and the potential for the inception of user fees for a failure to migrate to narrowband technology. Public safety and similar governmental users must be exempt from the user fees. The Commission, consistent with the underlying statutory purpose of promoting the public interest, should consistently acknowledge that the needs of public safety entities to fulfill their main goal to protect life and property; and to provide for the overall health, safety, and general welfare of the public they serve are more important than the receipt of fees. Imposing fees on public safety/governmental entities would not expedite spectrum efficiency;

rather it would divert funds which could otherwise be used to implement spectrum efficient systems on a prompt basis.

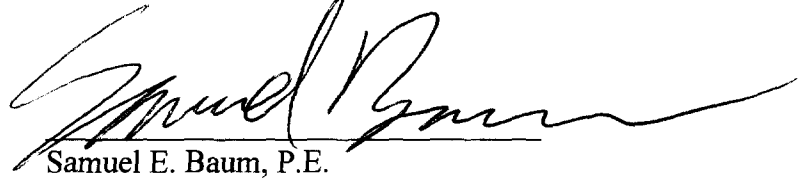
COMPETITIVE BIDDING

NYCTA believes that governmental & public safety users must be exempt from competitive bidding for spectrum. It is imperative that channels be set aside exclusively for public safety/governmental users. The Public Safety Wireless Advisory Committee (PSWAC) and its subcommittees are actively progressing to define the operational, spectrum, interoperability, technical, and transition needs of public safety entities. The goals of the PSWAC need to be accomplished prior to the Commission preparing an order on this FNPRM. Using a process similar to the regional National Public Safety Planning Advisory Committee (NPSPAC) 821 MHz, public safety refarming matters could be dealt with at a local level.. The current NPSPAC regional planning update committees have proven themselves very effective. A similar regional public safety committee for refarming would insure a smooth allocation of frequencies, address interoperability and interference issues based on regional needs. This new committee along with the determinations of the PSWAC could establish effective standards for all public safety and governmental users.

NEW CHANNELS

New channels created from users converting from 25 KHz should be addressed by the regional committees and the appropriate frequency coordinators. Because of the diverse needs and requirements of the users, there should be a committee for each radio service. A regional cross-section should comprise the committee membership for the particular region involved. This would decentralize the control giving the potential users a balanced voice.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Samuel Baum', written over a horizontal line.

Samuel E. Baum, P.E.

Division Engineer

Communications Engineering

November 17, 1995